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Attorneys for Plaintiff JOSHUA RICE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA RICE,

Plaintiff,

vs.

CITY OF BELL GARDENS,
OFFICER GERARDO ORNELAS,
CHRISTIAN ZARATE, and DOES 1
THROUGH 10

Defendants.

CASE NO:

CV 09-9432 SJO (RCX)

COMPLAINT FOR DAMAGES OF

1. Unreasonable Search and Seizure-Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure-Excessive Force and Denial of Medical Care (42 U.S.C. § 1983)
3. Conspiracy to Violate Civil Rights (42 U.S.C. § 1983)
4. Municipal Liability for Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)

DEMAND FOR JURY TRIAL

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1 **COMPLAINT**

2 Comes now, Plaintiff, JOSHUA RICE, for his complaint against Defendants
3 CITY OF BELL GARDENS, OFFICER GERARDO ORNELAS, OFFICER
4 CHRISTIAN ZARATE, and DOES 1 THROUGH 10, and alleges as follows:

5 **INTRODUCTION**

6 1. This civil rights action seeks compensatory and punitive damages from
7 Defendants for violating various rights under the United States Constitution and state
8 law in connection with the July 15, 2008 encounter between defendants OFFICER
9 GERARDO ORNELAS, CHRISTIAN ZARATE, and JOSHUA RICE.

10 **PARTIES**

11 2. At all relevant times, JOSHUA RICE ("RICE ") was a resident of the CITY
12 OF BELL GARDENS, California.

13 3. At all relevant times, Defendant CITY OF BELL GARDENS ("CITY") is and
14 was a duly organized public entity, form unknown, existing under the laws of the
15 State of California. At all relevant times, CITY was the employer of Defendants
16 OFFICER GERARDO ORNELAS, (hereinafter "ORNELAS"), OFFICER
17 CHRISTIAN ZARATE, (hereinafter "ZARATE"), and DOES 1 through 5 ("DOE
18 OFFICERS"), who were CITY Police Officers, and DOES 6 through 10 ("DOE
19 SUPERVISORS"), who were managerial, supervisory, and policymaking employees
20 of the CITY Police Department.

21 4. At all relevant times, Defendants ORNELAS, ZARATE, and DOE
22 SUPERVISORS were duly authorized employees and agents of the CITY, who were
23 acting under color of law within the course and scope of their respective duties as
24 Police Officers and with the complete authority and ratification of their principal,
25 Defendant CITY. Defendants ORNELAS and ZARATE are sued in their individual
26 capacities only.

1 5. At all times relevant, Defendants ORNELAS, ZARATE, DOE OFFICERS, and
2 DOE SUPERVISORS were duly appointed officers and/or employees or agents of
3 CITY, subject to oversight and supervision by CITY's elected and non-elected
4 officials.

5 6. At all times mentioned herein, each and every defendant was the agent of each
6 and every other defendant and had the legal duty to oversee and supervise the hiring,
7 conduct and employment of each and every defendant herein.

8 7. The true names of defendants DOES 1 through 10, are unknown to Plaintiff,
9 who therefore sues these defendants by such fictitious names. Plaintiff will seek
10 leave to amend this complaint to show the true names and capacities of these
11 defendants when they have been ascertained. Each of the fictitious named defendants
12 is responsible in some manner for the conduct and liabilities alleged herein.

13 8. In doing the acts and failing and omitting to act as hereinafter described,
14 Defendants ORNELAS, ZARATE, DOE OFFICERS, and DOE SUPERVISORS were
15 acting on the implied and actual permission and consent of CITY.

16 JURISDICTION AND VENUE

17 9. This civil action is brought for the redress of alleged deprivations of
18 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the
19 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction
20 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

21 10. Venue is proper in this Court under 28 U.S.C. § 1391(b), because Plaintiff and
22 Defendants reside in, and all incidents, events, and occurrences giving rise to this
23 action occurred in, the CITY OF BELL GARDENS , California.

24 FACTS COMMON TO ALL CLAIMS FOR RELIEF

25 11. Plaintiff repeats and realleges each and every allegation in paragraphs 1
26 through 10 of this Complaint with the same force and effect as if fully set forth
27 herein.

1 12. On or about July 15, 2008, ORNELAS and ZARATE detained and arrested
2 Plaintiff without reasonable suspicion, probable cause, or other legal justification.
3 At some point, Plaintiff attempted to leave the area. ORNELAS used deadly force
4 on the Plaintiff by shooting Plaintiff in back of his leg. After the shooting Plaintiff
5 fell to the ground from the gunshot. While Plaintiff was on the floor and squirming
6 in pain Defendant ZARATE came up to the Plaintiff and with violent force kicked
7 Plaintiff in the head. Plaintiff was unarmed and never posed a threat to anyone.

8 13. After the shooting both of the above named officers, defendants, fabricated a
9 false account of the incident in their report in an attempt to justify their misconduct.

10 14. Defendants ORNELAS and ZARATE intentionally delayed providing Plaintiff
11 with medical care.

12 15. This aforementioned shooting of the Plaintiff and the kick to Plaintiff's
13 head caused Plaintiff to sustain substantial physical and emotional injuries.

14 16. During the entire encounter described above, Plaintiff RICE was not armed
15 and, Plaintiff did not verbally threaten or otherwise attempt to punch, kick, or grab
16 either Defendant ORNELAS or ZARATE.

17 17. Plaintiff RICE did not refuse medical aid at the scene. Plaintiff had obvious
18 physical injuries including severe injuries to his femur and his head that were visible
19 at the scene.

20 18. Defendants ORNELAS, and ZARATE did not immediately report the use of
21 force or provide medical assistance for the Plaintiff as they were required to do.

22 19. Although having actual and constructive notice and knowledge of Plaintiff's
23 serious injuries Plaintiff's need for immediate medical care defendants ORNELAS,
24 ZARATE, and DOES 1-10 ignored Plaintiff's injuries and need for medical care.

25 20. Defendant ORNELAS, ZARATE, and DOES 1-10, acted with deliberate
26 indifference, and with the specific intent to cause Plaintiff harm by intentionally
27 delaying Plaintiff's need for medical care.

1 21. As a direct result of Defendants' wrongful detention and arrest, shooting,
2 excessive force, failure to provide Plaintiff with appropriate medical care, and
3 cover-up, Plaintiff suffered severe pain and suffering, mental anguish, humiliation,
4 and emotional distress.

5 **FIRST CLAIM FOR RELIEF**

6 **Unreasonable Search and Seizure-Detention and Arrest (42 U.S.C. §**
7 **1983) (Against Defendants ORNELAS,. ZARATE, and DOE**
8 **OFFICERS)**

9 22. Plaintiff repeats and realleges each and every allegation in paragraphs 1
10 through 21 of this Complaint with the same force and effect as if fully set forth
11 herein.

12 23. Defendants ORNELAS, ZARATE and DOES 1-10 detained and arrested
13 Plaintiff in violation of his right to be secure in his person against unreasonable
14 searches and seizures as guaranteed to the Plaintiff under the Fourth Amendment to
15 the United States Consti ution and applied to state actors by the Fourteenth
16 Amendment.

17 24. The actions of Defendant ORNELAS, ZARATE, and DOES 1-10 deprived
18 Plaintiff of his right to be free from state actions that shock the conscience under the
19 Fourteenth Amendment's Due Process Clause.

20 25. As a result of the conduct of ORNELAS, ZARATE, and DOES 1-10, are liable
21 for Plaintiff 's injuries, either because they were integral participants in the wrongful
22 detention and arrest, or because they both failed to intervene to prevent these
23 violations.

24 26. The conduct of Defendant ORNELAS, ZARATE, and DOES 1-10 was willful,
25 wanton, malicious and done with an evil motive and intent and a reckless disregard
26 for the rights and safety of Plaintiff, and therefore warrants the imposition of
27

1 exemplary and punitive damages as to Defendants ORNELAS, ZARATE, and DOES
2 1-10.

3 27. Accordingly, Defendants ORNELAS, ZARATE, and DOES 1-10 each are
4 liable to Plaintiff for compensatory and punitive damages under 42 U.S.C. § 1983.

5 **SECOND CLAIM FOR RELIEF**

6 **Unreasonable Search and Seizure-Excessive Force and Denial of Medical** 7 **Care (42 U.S.C. § 1983) (Against Defendants ORNELAS, ZARATE, and** 8 **DOE OFFICERS)**

9 28. Plaintiff repeats and realleges each and every allegation in paragraphs 1
10 through 27 of this Complaint with the same force and effect as if fully set forth
11 herein.

12 29. The unjustified shooting of Plaintiff by Defendant ORNELAS, the subsequent
13 unjustified use of excessive force by defendant ZARATE, and the wrongful denial of
14 medical care by defendants ORNELAS, ZARATE, and DOES 1-10, deprived
15 Plaintiff of his right to be secure in his person against unreasonable searches and
16 seizures as guaranteed to Plaintiff under the Fourth Amendment to the United States
17 Constitution and applied to state actors by the Fourteenth Amendment.

18 30. The actions of Defendants ORNELAS, ZARATE, and DOES 1-10 deprived
19 Plaintiff of his right to be free from state actions that shock the conscience under
20 the Fourteenth Amendment's Due Process Clause.

21 31. As a result of the conduct of Defendants ORNELAS, ZARATE and DOES 1-
22 10, they are liable for Plaintiff's injuries, either because they were integral participants
23 in the excessive force and denial of medical care, or because they failed to intervene
24 to prevent these violations.

25 32. The conduct of Defendants ORNELAS, ZARATE, and DOES 1-10 was willful,
26 wanton, malicious and done with an evil motive and intent and a reckless disregard
27 for the rights and safety of Plaintiff and therefore warrants the imposition of
28

1 exemplary and punitive damages as to Defendants ORNELAS, ZARATE, and DOES
2 1-10.

3 33. Accordingly, Defendants ORNELAS, ZARATE, and DOES 1-10 each are
4 liable to Plaintiff for compensatory and punitive damages under 42 U.S.C. § 1983.

5 **THIRD CLAIM FOR RELIEF**

6 **Conspiracy to Violate Civil Rights (42 U.S.C. § 1983)**

7 **(Against Defendants ORNELAS, ZARATE, and DOES 1-10)**

8 34. Plaintiff repeats and realleges each and every allegation in paragraphs 1
9 through 33 of this Complaint with the same force and effect as if fully set forth
10 herein.

11 35. During the course of this incident, Defendants ORNELAS, ZARATE, and
12 DOES 1-10 conspired to and in fact did deprive Plaintiff of his right to be secure in
13 his person against unreasonable searches and seizures, and of his right to be free from
14 state actions that shock the conscience, as guaranteed by the Fourth and Fourteenth
15 Amendments.

16 36. All rights of Plaintiff, as set forth, were violated by Defendants ORNELAS,
17 ZARATE, and DOES 1-10 by their wrongful use of excessive force, denial of medical
18 care, and cover-up, as more specifically set forth.

19 37. On information and belief, Defendants ORNELAS, ZARATE, and DOES 1-10
20 agreed and conspired, and shared the same conspiratorial objective with each other
21 to use excessive force against Plaintiff, purposefully disregard his medical needs, and
22 covered up their misdeeds in violation of Plaintiff's constitutional rights.

23 38. As a proximate result of Defendants' conspiracy to violate Plaintiff's
24 constitutional rights, Plaintiff suffered severe pain and suffering, mental anguish,
25 humiliation, and emotional distress.

26 39. The conduct of Defendants ORNELAS, ZARATE, and DOES 1-10 was willful,
27 wanton, malicious and done with an evil motive and intent and a reckless disregard

1 for the rights and safety of Plaintiff and therefore warrants the imposition of
 2 exemplary and punitive damages as to Defendants ORNELAS, ZARATE, and DOES
 3 1-10 only.

4 40. Accordingly, Defendants ORNELAS, ZARATE, and DOES 1-10 each are
 5 liable to Plaintiff for compensatory and punitive damages under 42 U.S.C. § 1983.

6 **FOURTH CLAIM FOR RELIEF**

7 **Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. §** 8 **1983) (Against Defendants CITY and DOE SUPERVISORS)**

9 41. Plaintiff hereby repeats, re-states, and incorporates each and every allegation
 10 in paragraphs 1 through 40 of this Complaint with the same force and effect as if fully
 11 set forth herein.

12 42. On and for some time prior to July 15, 2008 (and continuing to the present
 13 date) Defendants CITY and DOE SUPERVISORS, deprived Plaintiff of the rights
 14 and liberties secured to him by the Fourth and Fourteenth Amendments to the
 15 United States Constitution, in that said defendants and their supervising and
 16 managerial employees, agents, and representatives, acting with gross negligence and
 17 with reckless and deliberate indifference to the rights and liberties of the public in
 18 general, of Plaintiff, and of persons in their class, situation and comparable position
 19 in particular, knowingly maintained, enforced and applied an official recognized
 20 CITY custom, policy, and practice of:

21 (a) Employing and retaining as Police Officers and other personnel,
 22 including Defendants ORNELAS, ZARATE, and DOES 1-5, who Defendants CITY
 23 and DOE SUPERVISORS at all times material herein knew or reasonably should
 24 have known had dangerous propensities for abusing their authority and for
 25 mistreating citizens by failing to follow written CITY Police Department policies and
 26 for using excessive force;

1 (b) Of inadequately supervising, training, controlling, assigning, and
2 disciplining CITY Police Officers, and other CITY personnel, including Defendants
3 ORNELAS, ZARATE, and DOES 1-5, who Defendants CITY and DOE
4 SUPERVISORS each knew or in the exercise of reasonable care should have known
5 had the aforementioned propensities and character traits;

6 (c) By maintaining grossly inadequate procedures for reporting, supervising,
7 investigating, reviewing, disciplining and controlling the intentional misconduct by
8 Defendants ORNELAS, ZARATE, and DOES 1-5, who are CITY Police Officers;

9 (d) By having and maintaining an unconstitutional custom and practice of
10 using excessive force, denying injured suspects immediate medical care, and covering
11 up police misconduct. These customs and practices by CITY and DOE
12 SUPERVISORS were condoned by said defendants in deliberate indifference to the
13 safety and rights of its civilian, including Plaintiff.

14 43. By reason of the aforementioned policies and practices of Defendants CITY
15 and DOE SUPERVISORS, Plaintiff has suffered severe pain and suffering, mental
16 anguish, humiliation, and emotional distress.

17 44. Defendants CITY and DOE SUPERVISORS, together with various other
18 officials, whether named or unnamed, had either actual or constructive knowledge of
19 the deficient policies, practices and customs alleged in the paragraphs above. Despite
20 having knowledge as stated above these defendants condoned, tolerated and through
21 actions and inactions thereby ratified such policies. Said defendants also acted with
22 deliberate indifference to the foreseeable effects and consequences of these policies
23 with respect to the constitutional rights of Plaintiffs, and other individuals similarly
24 situated.

25 45. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct
26 and other wrongful acts, Defendants CITY and DOE SUPERVISORS acted with an
27 intentional, reckless, and callous disregard for the well-being of Plaintiff and his
28

1 constitutional as well as human rights. Defendants CITY and DOE SUPERVISORS
2 and each of their actions were willful, wanton, oppressive, malicious, fraudulent, and
3 extremely offensive and unconscionable to any person of normal sensibilities.

4 46. Furthermore, the policies, practices, and customs implemented and maintained
5 and still tolerated by Defendants CITY and DOE SUPERVISORS were affirmatively
6 linked to and were a significantly influential force behind the Plaintiffs' injuries.

7 47. Accordingly, Defendants CITY and DOE SUPERVISORS each are liable to
8 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff requests entry of judgment in his favor and against
11 Defendants CITY OF BELL GARDENS, Defendants ORNELAS, ZARATE, and
12 DOES 1-10, inclusive, as follows:

- 13 1. For compensatory damages in the amount to be proven at trial;
- 14 2. For punitive damages against the individual defendants in an amount to
15 be proven at trial;
- 16 3. For interest;
- 17 4. For reasonable costs of this suit and attorneys' fees; and
- 18 5. For such further other relief as the Court may deem just, proper, and
19 appropriate.

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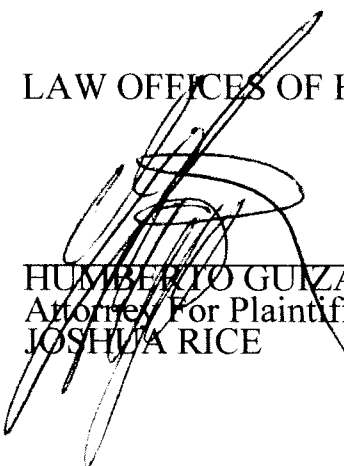
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1 Dated: December 22, 2009

LAW OFFICES OF HUMBERTO GUIZAR

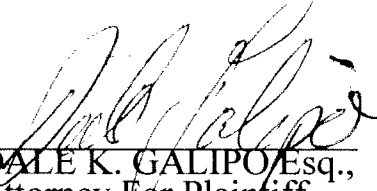
2
3 by:


HUMBERTO GUIZAR Esq.,
Attorney For Plaintiff
JOSHUA RICE

4
5
6
7
8 Dated: December 22, 2009

LAW OFFICES OF DALE K. GALIPO

9
10
11 by:


DALE K. GALIPO Esq.,
Attorney For Plaintiff
JOSHUA RICE

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: December 22, 2009

LAW OFFICES OF HUMBERTO GUIZAR

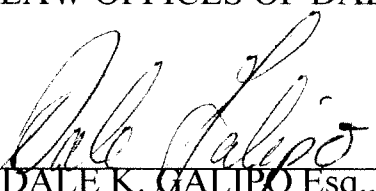
by:


HUMBERTO GUIZAR Esq.,
Attorney For Plaintiff
JOSHUA RICE

Dated: December 22, 2009

LAW OFFICES OF DALE K. GALIPO

by:


DALE K. GALIPO Esq.,
Attorney For Plaintiff
JOSHUA RICE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Rosalyn M. Chapman.

The case number on all documents filed with the Court should read as follows:

CV09- 9432 SJO (RCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Humberto Guizar, Esq. SBN:125769
 Law Offices of Humberto Guizar
 3500 West Beverly Boulevard
 Montebello, CA 90640
 Tel: (323) 725-1151 Fax: (323) 725-0350

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JOSHUA RICE

PLAINTIFF(S)

v.

CITY OF BELL GARDENS, OFFICER GERARDO
 ORNELAS, CHRISTIAN
 ZARATE, and DOES 1
 THROUGH 10
 DEFENDANT(S).

CASE NUMBER

09-9432-SJO (RCX)

SUMMONS

TO: DEFENDANT(S): CITY OF BELL GARDENS, OFFICER GERARDO ORNELAS, Identification
Number 489, CHRISTIAN ZARATE, Identification Number 495, and DOES 1 THROUGH 10

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Law Offices of Humberto Guizar, whose address is 3500 W. Beverly Blvd., Montebello, CA 90640. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 23 DEC 2009

By: 
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
JOSUHA RICE

DEFENDANTS

CITY OF BELL GARDENS, OFFICER GERARDO ORNELAS. Identification Number 495, CHRISTIAN ZARATE. Identification Number 495, and DOES 1 through 10

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

HUMBERTO GUIZAR
LAW OFFICES OF HUMBERTO GUIZAR
3500 W. Beverly Blvd., Montebello, CA 90640, 323-725-1151

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE / PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input checked="" type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: 09-9432

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
JOSUHA RICE, LOS ANGELES COUNTY	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
CITY OF BELL GARDENS, LOS ANGELES COUNTY, OFFICER GERARDO ORNELAS, CHRISTIAN ZARATE	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date _____

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))